

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

MAR 03 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

INEZ GARCIA,

Defendant - Appellant.

No. 07-50548

D.C. No. CR-06-00108-DDP-1

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Dean D. Pregerson, District Judge, Presiding

Submitted February 18, 2009<sup>\*\*</sup>

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges.

Inez Garcia appeals from the 18-month sentence imposed following her guilty-plea conviction for conspiracy to defraud the United States with respect to claims, in violation of 18 U.S.C. § 286. We have jurisdiction pursuant to 28

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1291, and we affirm.

Garcia contends that the district court erred by applying a two-level upward adjustment for her role in the offense, pursuant to U.S.S.G. § 3B1.1(c). We conclude that the district court did not clearly err. *See United States v. Maldonado*, 215 F.3d 1046, 1051 (9th Cir. 2000).

Garcia also contends that the district court erred by treating the Sentencing Guidelines as mandatory, and by imposing a sentence that was greater than necessary to accomplish the purposes of sentencing, as set forth in 18 U.S.C. § 3553(a). The record reflects that the district court understood that the Sentencing Guidelines are advisory, and adequately considered the relevant factors under 18 U.S.C. § 3553(a) in imposing a within-Guidelines range sentence. We conclude that the district court did not procedurally err, and the sentence is substantively reasonable. *See Gall v. United States*, 128 S. Ct. 586, 596-97 (2007); *see also United States v. Carty*, 520 F.3d 984, 992-93 (9th Cir. 2008) (en banc).

**AFFIRMED.**